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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

11
12 OPUS BANK,

13 Plaintiff,

14 v.

15 DONIKA SCHNELL, MICHAEL
16 KINNICK, SHARMILA SOLANKI,
and BRYAN NANCE,

17 Defendants.

CASE NO.: 8:17-CV-00633-CJC-KES

**PROTECTIVE ORDER RE AEO
DOCUMENT**

Honorable Karen E. Scott

[DISCOVERY DOCUMENT:
REFERRED TO MAGISTRATE
JUDGE KAREN E. SCOTT]

1 Pursuant to the Court's February 26, 2018 Order (Dkt. No. 120), Opus Bank and
2 MB Financial, by and through their counsel, hereby stipulate to the following:

3 1. Opus shall produce a document containing all client names found in the
4 "two-page spreadsheet of Opus pipeline clients" referenced by the Court on page 4 of the
5 Court's February 26, 2018 Order (the AEO List) to counsel for MB Financial, Chris
6 Scheithauer. A copy of this document shall also be provided to Counsel for the
7 Defendants in this matter.

8 2. Opus' disclosure of the AEO List does not constitute an approval of or a
9 waiver of the trade secret status of this information, and no Party nor MB Financial shall
10 make any such argument.

11 3. The AEO List shall be treated as Attorney's Eyes Only, and shall be used
12 solely for the purposes of allowing McDermott Will & Emery and its e-discovery center
13 personnel to electronically search MB Financial's records for hits of the client names
14 found on the AEO List and to produce documents in response to the Court's February 26,
15 2018 Order, for trial and hearing preparation, and during trial or hearings. Utilizing the
16 AEO List is necessary, but not sufficient, for MB Financial to meet its obligations under
17 the Court's February 26, 2018 Order.

18 4. The AEO List shall not be disclosed, except by the prior written consent of
19 Opus, or pursuant to an order of this Court, to any person other than the following:

20 (a) One in-house attorney, from MB Financial, namely John Peschke, Associate
21 General Counsel, who has agreed to be bound by the terms of this Order;

22 (b) The outside attorneys from Mr. Scheithauer's firm, McDermott Will &
23 Emery LLP, and any employees working under his supervision, including, without
24 limitation, those employees working in the discovery center of McDermott Will & Emery
25 LLP;

26 (c) The outside attorneys for the Parties in this litigation;

27 (d) Court officers and supporting personnel, court reporters and videographers
28 as necessary for this case; and

1 (e) MB Financial's or any Party's retained e-discovery vendor, including, but
2 not limited to, the discovery center at McDermott Will & Emery LLP.

3 (f) The aforementioned people shall not disseminate, share, copy or forward the
4 AEO List to any party or person other than those mentioned above.

5 (g) All search results produced by MB Financial following the search for the
6 terms included in the AEO List shall be provisionally marked and treated as AEO and
7 visible only to (1) the individuals listed in 4(a)-(e); (2) the author of the documents in
8 question; and (3) one-in house attorney, from Opus Bank, namely Andres Gallardo, who
9 has agreed to be bound by the terms of this Order.

10 5. The Parties shall then have thirty (30) days to review these documents and
11 meet and confer regarding de-designation where appropriate. MB Financial and the
12 Parties to this case reserve the right to challenge any designations applied to this
13 document at a future Informal Discovery Conference.

14 6. If the AEO List or any of the search results are to be filed with the Court, the
15 filer must comply with Civil Local Rule 79-5. Counsel for MB Financial shall utilize the
16 AEO List solely to assist their client in responding to the Opus discovery covered by the
17 Court's February 26, 2018 order, trial and hearing preparation, and during trial or
18 hearings.

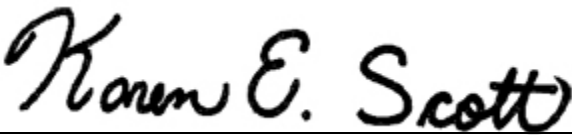
19 7. Counsel for MB Financial and the Parties to this litigation shall maintain the
20 confidentiality of the AEO List throughout this case. Within sixty (60) days after the
21 final termination of this litigation, or any agreement between the Parties to this litigation
22 resolving all disputes, Counsel for MB Financial and the other Parties shall return to
23 Opus, or certify in writing the destruction of the AEO List and all copies thereof.

24 8. Nothing in this Protective Order shall determine ownership rights in any
25 search term 'hits' generated from the AEO List. All Parties reserve all rights regarding
26 whether MB Financial properly owns responsive data or whether it constitutes Opus
27 property. The purpose of this Protective Order is solely to further MB Financial's
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1 compliance with the Court's February 26, 2018 Order while protecting the identity of the
2 customers Opus is producing from the AEO List.

3 **IT IS SO ORDERED:**

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5 DATED: March 22, 2018

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8 Hon. Karen E. Scott, U.S. Magistrate Judge
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